United Nations A/C.3/57/L.49

General Assembly

Distr.: Limited
12 November 2002

Original: English

Fifty-seventh session
Third Committee
Agenda item 109 (c)
Human rights questions: human rights situations and reports of special rapporteurs and representatives

Andorra, Australia, Austria, Belgium, Bulgaria, Canada, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Kuwait, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Netherlands, Norway, Poland, Portugal, San Marino, Slovenia, Spain, Sweden and United Kingdom of Great Britain and Northern Ireland: draft resolution

Human rights situation in Iraq

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other human rights instruments,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Aware that Iraq is a party to the International Covenants on Human Rights, other international human rights instruments and the Geneva Conventions of 12 August 1949 for the protection of victims of war,[3]

Recalling its previous resolutions on this subject, the most recent of which is 56/174 of 19 December 2002 and those of the Commission on Human Rights, the most recent of which is 2002/15 of 19 April 2002,[4]

Recalling also Security Council resolution 686 (1991) of 2 March 1991, in which the Council called upon Iraq to release all Kuwaitis and nationals of other

[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.
[4] See *Official Records of the Economic and Social Council, 2002, Supplement No. 3* (E/2002/23), chap. II, sect. A.

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States who might still be held in detention, Council resolution 687 (1991) of 3 April 1991, Council resolution 688 (1991) of 5 April 1991, in which the Council demanded an end to repression of the Iraqi civilian population and insisted that Iraq cooperate with humanitarian organizations and that the human rights of all Iraqi citizens be respected, Council resolutions 986 (1995) of 14 April 1995, 1111 (1997) of 4 June 1997, 1129 (1997) of 12 September 1997, 1143 (1997) of 4 December 1997, 1153 (1998) of 20 February 1998, 1175 (1998) of 19 June 1998, 1210 (1998) of 24 November 1998, 1242 (1999) of 21 May 1999, 1266 (1999) of 4 October 1999, 1281 (1999) of 10 December 1999, 1302 (2000) of 8 June 2000, 1330 (2000) of 5 December 2000, 1352 (2001) of 1 June 2001, 1360 (2001) of 3 July 2001 and 1382 (2001) of 29 November 2001, in which the Council authorized States to permit imports of Iraqi oil in order to allow Iraq to purchase humanitarian supplies, Council resolution 1284 (1999) of 17 December 1999, in which the Council, by means of a comprehensive approach to the situation in Iraq, inter alia, removed the ceiling for the allowable import of Iraqi oil in order to increase the amount of revenue available for the purchase of humanitarian supplies, laid down new provisions and procedures designed to improve the implementation of the humanitarian programme and to further achievement in meeting the humanitarian needs of the Iraqi population and reiterated the obligation of Iraq to facilitate the repatriation of all Kuwaiti and third-country nationals referred to in paragraph 30 of Council resolution 687 (1991), and the most recent resolution of the Council, 1409 (2002) of 14 May 2002, in which the Council significantly eases the United Nations sanctions on Iraq,

Taking note of the concluding observations of the Human Rights Committee,[5] the Committee on the Elimination of Racial Discrimination,[6] the Committee on Economic, Social and Cultural Rights,[7] the Committee on the Rights of the Child[8] and the Committee on the Elimination of Discrimination against Women[9] on the most recent reports submitted to them by Iraq, in which these treaty-monitoring bodies point to a wide range of human rights problems and express the view that the Government of Iraq remains bound by its treaty obligations, while pointing to the adverse effect of sanctions on the daily life of the population, in particular women and children,

Reaffirming that it is the responsibility of the Government of Iraq to ensure the well-being of its entire population and the full enjoyment of all human rights and fundamental freedoms,

Deploring all violations of human rights and international humanitarian law in Iraq, as mentioned in the reports of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq,[10]

Appealing to all concerned to fulfil their mutual obligations in the management of the humanitarian programme referred to in Security Council resolution 986 (1995) and other relevant Security Council resolutions,

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[5] *Official Records of the General Assembly, Fifty-third Session, Supplement No. 40* (A/53/40), vol. I, paras. 90-111.

[6] Ibid., *Fifty-fourth Session, Supplement No. 18* (A/54/18), paras. 337-361.

[7] *Official Records of the Economic and Social Council, 1998, Supplement No. 2* (E/1998/22), paras. 245-283.

[8] *Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 41* (A/55/41), paras. 304-333.

[9] Ibid., *Supplement No. 38* (A/55/38), part II, chap. IV, sect. B, paras. 166-210.

[10] See A/57/325.

1. *Welcomes*:

(a) The report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq[10] and the exploratory visit by the Special Rapporteur to Iraq from 11 to 15 February 2002, which set the stage for future cooperation and constructive dialogue;

(b) Security Council resolution 1409 (2002), in which all exports to Iraq are allowed except for items which are on the goods review list[11] and which are therefore subject to review by the sanctions Committee;

2. *Notes* that the Government of Iraq has responded in writing to some requests for information made by the Special Rapporteur on the situation of human rights in Iraq;[10]

3. *Gravely concerned* that there has been no improvement in the situation of human rights in the country;

4. *Strongly condemns*:

(a) The systematic, widespread and extremely grave violations of human rights and of international humanitarian law by the Government of Iraq, resulting in all-pervasive repression and oppression sustained by broad-based discrimination and widespread terror;

(b) The suppression of freedom of thought, religion and belief, expression, information, association, assembly and movement through fear of arrest, imprisonment, execution, expulsion, house demolition and other sanctions;

(c) The repression faced by any kind of opposition, in particular the harassment and intimidation of and threats against Iraqi opponents living abroad and members of their families;

(d) The widespread use of the death penalty in disregard of the provisions of the International Covenant on Civil and Political Rights[12] and the United Nations safeguards;

(e) Summary and arbitrary executions, including political killings and the continued prison cleansing, the use of rape as a political tool, as well as enforced or involuntary disappearances, routinely practised arbitrary arrests and detention and consistent and routine failure to respect due process and the rule of law;

(f) Widespread, systematic torture and the maintaining of decrees prescribing cruel and inhuman punishment as a penalty for offences;

5. *Calls upon* the Government of Iraq:

(a) To abide by its freely undertaken obligations under international human rights instruments and international humanitarian law to respect and ensure the rights of all individuals, irrespective of their origin, ethnicity, gender or religion, within its territory and subject to its jurisdiction;

(b) To put an end to all summary and arbitrary executions and to end the imposition of the death penalty for crimes committed by persons under the age of eighteen years, and to ensure that capital punishment will not be imposed for crimes

[11] See S/2002/515, annex.

[12] Resolution 2200 A (XXI), annex.

other than the most serious and will not be pronounced in disregard of the obligations it has assumed under the International Covenant on Civil and Political Rights and the provisions of United Nations safeguards;

(c) To establish a moratorium on executions;

(d) To bring the actions of its military and security forces into conformity with the standards of international law, in particular those of the International Covenant on Civil and Political Rights;

(e) To establish independence of the judiciary and to abrogate all laws granting impunity to specified forces or persons killing or injuring individuals for any purpose beyond the administration of justice under the rule of law as prescribed by international standards;

(f) To abolish the functioning of the temporary special courts and ensure that the rule of law is respected at all times throughout the territory of Iraq in accordance with its freely undertaken obligation under international human rights instruments;

(g) To abrogate all decrees that prescribe cruel and inhuman punishment or treatment, including mutilation, and to ensure that torture and cruel punishment and treatment no longer occur;

(h) To abrogate all laws and procedures, including Revolution Command Council Decree No. 840 of 4 November 1986, that penalize free expression, and to ensure that the genuine will of the people shall be the basis of authority of the State;

(i) To cooperate fully with the relevant mechanisms of the Commission of Human Rights, in particular its Special Rapporteur on the situation of human rights in Iraq, and to ensure his access to Iraq, without preconditions, in order to allow him fully to discharge his mandate, including by allowing access to any person deemed appropriate by the Special Rapporteur;

(j) To reply urgently in writing to the request made by the Special Rapporteur for another visit to the country, and to proceed with the planning arrangements jointly with the Special Rapporteur;

(k) To implement the recommendations of the Special Rapporteur by providing detailed and comprehensive replies to letters relating to allegations of human rights violations transmitted by the Special Rapporteur and by allowing the stationing of human rights monitors throughout Iraq pursuant to the relevant resolutions of the General Assembly and the Commission on Human Rights;

(l) To ensure free exercise of political opposition and to prevent intimidation and repression of political opponents and their families;

(m) To respect the rights of all ethnic and religious groups and to cease immediately its continued repressive practices, including the practice of forced deportation and relocation, aimed at the Iraqi Kurds, Assyrians and Turkmen, and to ensure the personal integrity and freedoms of all citizens, including the Shi'ah population;

(n) To cooperate fully with the Tripartite Commission and its Technical Subcommittee to establish the whereabouts and resolve the fate of the remaining several hundred missing persons, including prisoners of war, Kuwaiti nationals and third-country nationals, victims of the illegal Iraqi occupation of Kuwait, to

cooperate with the Working Group on Enforced or Involuntary Disappearances of the Commission on Human Rights for that purpose, to cooperate with the high-level coordinator of the Secretary-General for the repatriation of all Kuwaiti and third-country nationals and Kuwaiti property in the implementation of section B of Security Council resolution 1284 (1999) of 17 December 1999, to pay compensation to the families of those who died or disappeared in the custody of the Iraqi authorities, through the mechanism established by the Security Council in resolution 692 (1991) of 20 May 1991, to release immediately all Kuwaitis and nationals of other States who may still be held in detention and inform families about the whereabouts of arrested persons, to provide information about death sentences imposed on prisoners of war and civilian detainees, and to issue death certificates for deceased prisoners of war and civilian detainees;

(o) To cooperate further with international aid agencies and non-governmental organizations to provide humanitarian assistance and monitoring in the northern and southern areas of the country;

(p) To continue to cooperate in the implementation of Security Council resolutions dealing with humanitarian and human rights matters;

(q) To cooperate in the identification of the minefields existing throughout Iraq, with a view to facilitating their marking and eventual clearing;

6. *Requests* the Secretary-General to continue to give all the necessary assistance to the Special Rapporteur to enable him to discharge his mandate fully, and decides to continue the examination of the situation of human rights in Iraq at its fifty-eighth session, under the item entitled "Human rights questions".